

APPENDIX B

COMMISSION TO REVIEW THE CONSTITUTION

COMMISSION

By His Excellency Ratu Sir Kamisese Kapaiwai Tuimacilai Mara, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Knight of the Most Venerable Order of Saint John of Jerusalem, Privy Councillor, President and Commander-in-Chief of the Sovereign Democratic Republic of Fiji.

Whereas pursuant to sections 77 and 161 of the Constitution of the Sovereign Democratic Republic of Fiji 1990 a review of the said Constitution is required to be carried out within seven years from the promulgation of the said Constitution.

And whereas the House of Representatives by a Resolution unanimously adopted on 22 September 1993 called for the establishment of a Commission to review the said Constitution.

And whereas a similar Resolution was also unanimously adopted by the Senate on 7 October 1993.

And whereas I am of the opinion that such a review of the said Constitution is essential for the good Government and welfare of the people of Fiji.

Now therefore in the exercise of the powers conferred upon me by sections 77 and 98 of the Constitution of the Sovereign Democratic Republic of Fiji and acting in accordance with section 161 of the same.

I do issue this Commission of Review under my hand and the Public Seal of Fiji and I appoint:

The Right Reverend SIR PAUL REEVES, GCMG, GCVO, QSO, KSJ

to be the Chairman and I further appoint:

Tomasi Rayalu Vakatora	Esquire
Brij Vilash Lal (f/n Somai Dass)	Doctor of Philosophy

to be members of the said Commission.

Terms of Reference:

The Commission shall review the Constitution promoting racial harmony and national unity and the economic and social advancement of all communities and bearing in mind internationally recognised principles and standards of individual and group rights. Towards these ends, the Commission shall:

- (1) Take into account that the Constitution shall guarantee full protection and promotion of the rights, interests and concerns of the indigenous Fijian and Rotuman people.

- (2) Scrutinise and consider the extent to which the Constitution of Fiji meets the present and future constitutional needs of the people of Fiji, having full regard for the rights, interests and concerns of all ethnic groups of people in Fiji.
- (3) Facilitate the widest possible debate throughout Fiji on the terms of the Constitution of Fiji and to inquire into and ascertain the variety of views and opinions that may exist in Fiji as to how the provisions of the Fiji Constitution can be improved upon in the context of Fiji's needs as a multi-ethnic and multi-cultural society.
- (4) Report fully on all the above matters and, in particular, to recommend constitutional arrangements likely to achieve the objectives of the Constitutional Review as set out above.

And in order to better enable the Commission to carry these presents into effect the Commission is hereby authorised and empowered to make and conduct any enquiry or investigations under these presents in such manner and at such time and place as it thinks expedient with power to adjourn from time to time and place to place as it thinks fit and so that these presents shall continue in force and any such inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place.

And the Commission is hereby strictly charged and directed that it shall not at any time publicly or otherwise disclose save to His Excellency the President in pursuance of these presents or by His Excellency's directions the contents of any report so made or to be made by the Commission or any evidence or information obtained by the Commission in the exercise of the powers hereby conferred upon the Commission except such evidence or information as is received in the course of a sitting open to the public.

And it is hereby declared that the powers conferred shall be exercisable notwithstanding the absence at any time of any one of the three persons hereby appointed so long as the Chairman and at least one other member are present and agree in the exercise of the powers.

And I do further ordain that you have the liberty to report any proceedings and findings under this Commission from time to time if the Commission judges it expedient to do so.

And using all diligence you are required to report to His Excellency the President in writing under your hands not later than 30th day of June 1996 your findings and opinions on the matters aforesaid together with such recommendations as you may think fit to make in respect thereof.

And I direct that the report of the Commission be referred by Cabinet to Parliament to be tabled in accordance with section 77(6) of the Constitution.

I hereby further direct that the provisions of the Commission of Inquiry Act Chapter 47 including the powers to summon and subpoena witnesses shall apply to the proceedings of the Commission where appropriate.

In witness whereof I have caused this Commission to be issued and the Seal of the Sovereign Democratic Republic of Fiji to be affixed at Suva this 15th day of March 1995.

K. K. T. MARA
President and Commander-in-Chief

APPENDIX B - (continued)

COMMISSION TO REVIEW THE CONSTITUTION

COMMISSION

By His Excellency Ratu Sir Kamisese Kapawai Tuimacilai Mara, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Knight of the Most Venerable Order of Saint John of Jerusalem, Privy Councillor, President and Commander-in-Chief of the Sovereign Democratic Republic of Fiji.

Whereas pursuant to sections 77 and 161 of the Constitution of the Sovereign Democratic Republic of Fiji 1990 a review of the said Constitution is required to be carried out within seven years from the promulgation of the said Constitution.

And whereas by warrant dated 15 March 1995 I had appointed a Commission of Review consisting of The Right Reverend Sir Paul Reeves as Chairman, and Tomasi Rayalu Vakatora and Brij Vilash Lal as members of the same.

And whereas in order to better enable the Commission to carry out its work in accordance with its Terms of Reference specified in the said Warrant, it is necessary to appoint Counsel and a Secretary to the said Commission.

Now therefore in the exercise of the powers conferred upon me under section 98 of the Constitution of the Sovereign Democratic Republic of Fiji and acting in accordance with the provisions of the Commissions of Inquiry Act, I appoint:

ALISON QUENTIN-BAXTER

and

JON LESLIE APTED

to be Counsel.

And I further appoint:

WALTER GIBSON RIGAMOTO

to be Secretary, to the Commission.

In witness whereof I have caused this Commission to be issued and the Seal of the Sovereign Democratic Republic of Fiji to be affixed at Suva this 19th day of May, 1995.

K.K.T. MARA

President and Commander-in-Chief

APPENDIX B - (continued)

COMMISSION TO REVIEW THE
CONSTITUTION

EXTENSION OF COMMISSION

By His Excellency Ratu Sir Kamisese Kapawai Tuimacilai Mara, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Chancellor of the Order of Fiji, Knight of the Most Venerable Order of Saint John of Jerusalem, Privy Councillor, PRESIDENT AND COMMANDER-IN-CHIEF OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI

To The Right Reverend Sir PAUL REEVES,
GCMG, GCVO, QSO, KStJ,
TOMASI RAYALU VAKATORA, CF, Esquire
BRIJ VILASH LAL f/n SOMAI DASS, Doctor of Philosophy

GREETINGS:

WHEREAS by my Warrant dated the 15th day of March, 1995 I issued a Commission to review the Constitution of the Sovereign Democratic Republic of Fiji 1990, and appointed you the said The Right Reverend SIR PAUL REEVES to be the Commission's Chairman and further appointed TOMASI RAYALU VAKATORA and BRIJ LAL f/n SOMAI DASS as members of such a Commission, which review to be in accordance with the Terms of Reference therein contained

AND WHEREAS by my said Warrant you were required to report to His Excellency the President, not later than the 30th day of June, 1996, your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect thereof

AND WHEREAS it is expedient that the time for so reporting should be extended as hereinafter provided

NOW, THEREFORE I do hereby extend until the 30th day of September, 1996, the time within which you are so required to report, without prejudice to the liberty conferred on you by my said Warrant to report your proceedings and findings from time to time if you should judge it expedient so to do

AND I DO HEREBY confirm my said Warrant and the Commission thereby constituted save as modified by these presents

AND, LASTLY, it is hereby declared that these presents are issued under my authority and subject to the provisions of the Commissions of Inquiry Act, Cap.

IN WITNESS WHEREOF I have caused these presents to be issued and the Seal of the Sovereign Democratic Republic of Fiji to be hereunto affixed at Suva this 11th day of July 1996.

WITNESS the Right Honourable Ratu Sir Kamisese Kapawai Tuimacilai Mara, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Chancellor of the Order of Fiji, Knight of the Most Venerable Order of Saint John of Jerusalem, Privy Councillor, President and Commander-in-Chief of the Sovereign Democratic Republic of Fiji.

**K K T MARA
PRESIDENT AND COMMANDER-IN-CHIEF**